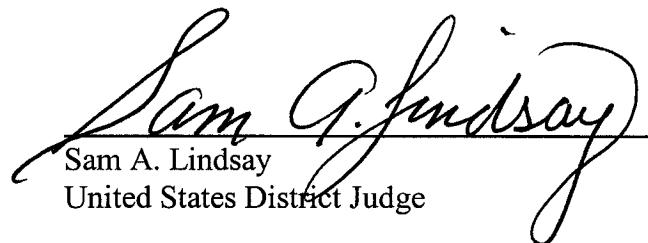


heard in the district court. The magistrate judge concluded, therefore, that the petition should be dismissed for want of jurisdiction.

After making an independent review of the pleadings, file and record in this case, and the findings, conclusions and recommendation of the magistrate judge, the court determines that the findings and conclusions of the magistrate judge are correct. They are therefore accepted as those of the court. Accordingly, Petitioner's petition for habeas corpus is hereby **denied**, and this action is **dismissed without prejudice** to Petitioner's right to file a second or successive § 2254 petition with the United States Court of Appeals for the Firth Circuit pursuant to 28 U.S.C. § 2244(b)(3).

It is so ordered this 11th day of May, 2005.



Sam A. Lindsay
United States District Judge